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A Canadian's View from the Staten Island Ferry

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A CANADIAN'S VIEW FROM THE
STATEN ISLAND FERRY

by: Hon. Gerald Lebovits

Apprehensive was I when the court system assigned me to Housing Court on Staten Island three days a week effective January 2002. I had heard that the Civil Court at 927 Castleton Avenue in West Brighton had a foreboding, forbidding Greek inscription emblazoned on its Greek Revival colonnade. Translated, the inscription supposedly read: “Local Counsel Only.” As a relatively recent immigrant from another island—Montreal, Canada—who lives in an outer borough—Manhattan’s Republic of the Upper West Side—I’m not a native Islander and have never been local counsel.

Having studied law in French, I didn’t know that natives call their daily journal the Staten Island ADVance, not the ADVance. I even called the Ferry “The Boat.”

The court system induced me to come here by offering me a unique perk they said was available only to important government officials in high standing: free transit on the Staten Island Ferry. The Ferry. George Burns got his start on it. Allen Ginsberg wrote about it in Howl. So, with thoughts of boats swimming in my head, I accepted the assignment. I aspired to emulate another Canadian who did well on his arrival at the St. George Terminal: Erastus Wiman (1834-1904), who’s responsible for the name “St. George.”

On my first trip aboard the Ferry, I thought about Staten Islander Sir Edward Cunard, who also thought about boats quite a bit, given that his shipping family, originally from Canada, later bought the White Star Line, which owned the Titanic. Wagner College now sits on his Grymes Hill estate. Cruising alongside Governor’s Island, I thought about great figures of Staten Island law and lore: Vice President Aaron Burr, who shot New York City trial lawyer Alexander Hamilton; Sidney Howard Gay, who quit the law to become a great abolitionist; County Judge William Emerson, famous because his children were tutored on the Island by Henry David Thoreau and because of his brother, Ralph Waldo, but Emerson Hill bears his name; and Marcia Clark and Jeb Stuart Magruder, of course. Nearing Ellis Island I thought about two Islanders, though not lawyers, whose very names evoke law and courts: Frederick Law Olmstead, who designed Central Park and, far more famously, at least where I come from, Montreal’s Mount Royal Park; and Frank McCourt, who taught at McKee High School in St. George.

Listening to a colorful man bark “You want shoe shine?” I thought about Islanders who invented the law of politesse: Emily Post and Amy Vanderbilt, related to Cornelius, born in Port Richmond and in his day America’s wealthiest man. A family was singing, and as an amateur musician I thought about part-time Islander George M. Cohan and real Islanders Christina Aguilera, Joan Baez, Roy Clark, Gene Simmons, and, most notable of all, the Wu-Tang Clan. Staten Island isn’t the Wild Wild West, I surmised, but William “Buffalo Bill” Cody and Annie “Get Your Gun” Oakley both lived here.

Gazing at Lady Liberty made me think about one-time Islanders who did well in the global village: Italy’s Giuseppe Garibaldi and Mexico’s Antonio Lopez de Santa Ana. Staring at a tug boat I thought about Island teachers Ichabod Crane, later of Westchester County’s Sleepy Hollow, and Anna Harriet Leonowens, who tutored the King of Siam’s 67 children. Most of all, as we docked at St. George, I thought about Daniel D. Tompkins, an Islander who become governor of New York and Vice President from 1817-1825 under James Monroe. Tompkins led the fight that abolished slavery in New York in 1827. Tompkinsville is named after him, but he is best remembered for becoming almost financially ruined defending New York City in America’s losing fight against Canada—the War of 1812.

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I thought about many things on the Ferry. I’m grateful that the Ferry doesn’t move all that quickly. Had I taken a hydrofoil, I wouldn’t have had time to think about much of anything.

How delighted I’ve been since that Ferry ride. On my first day on the job, I had a case involving 30 Daniel Low Terrace, where both Paul Newman and Martin Sheen once lived. Emilio Estevez was born there. So delighted was I that when Matthew A. Sciarrino, Jr., and Maria Colonna, the Richmond County Bar Association Journal’s editors, asked me to write about Staten Island’s people and history, and maybe mention the Castleton Avenue Courthouse, that little gem of a building in which I’m honored to work, I accepted that assignment, too. It was serendipitous. Ms. Colonna practices regularly in Housing Court. Mr. Sciarrino, Supreme Court Justice Joseph J. Maltese’s principal law clerk, worked with then-Castleton Judge Maltese in what is now my chambers. Besides, in writing a Staten Island history-and-people piece, I could draw inspiration from poet laureate Langston Hughes and historians Will and Ariel Durant, at some point Islanders all.

That’s not all that’s serendipitous. The connections between the Richmond County Bar Association and the Castleton Avenue Courthouse are thick. Regular practitioners in Housing Court include current RCBA President Mark S. Piazza, President-Elect James H. Birch, and directors Theodore J.G. Cotter, Christopher Fitzpatrick, John Z. Marangos, and Thomas A. Sipp, in addition to Director Colonna. Just enter the Courthouse and look to the left. Prominently on the wall are two photographic testimonials to the Richmond County Bar Association membership. I call them the “before pictures” because the luminaries have aged somewhat.

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The Richmond County Bar Association, incorporated in May 1909, predated the New York City Civil Court, whose doors opened on Staten Island in September 1962. The Civil Court replaced the City Court and Municipal Court, whose respective maximum jurisdictions in 1962 were $6000 and $3000. The Civil Court’s jurisdiction was $10,000, with a Small Claims Part for cases up to $300. A separate Citywide Housing Part with unlimited residential landlord-tenant jurisdiction opened in October 1973. Until the late 1990s, only two Housing judges presided in Richmond County, and even then the Civil Court judges handled a fair portion of the landlord-tenant docket until January 2002. Judge Anthony M. Andreacchii was the first Housing judge. He served only once a week, for eight months, in 1981.

One reason that Housing judges didn’t take on the Island until the late 1990s is that the bar had a problem with the second one. The second Housing judge to come to the Castleton Courthouse presided only a few weeks, in late 1981, when the bar threatened to mount a general strike and close the court. The judge returned to Manhattan, probably on the Ferry. Make that the former judge. And I’d thought that the only tough Islanders are the Canadians who play ice hockey in Nassau County.

In 1962, Staten Island had one resident City Court Justice: Mark A. Costantino, who became the Island’s only native federal judge. Surrogate John A. Fusco was Judge Costantino’s last state law secretary, as law clerks and court attorneys were then called. Civil Court Judge Eric N. Vitaliano was Justice Costantino’s first federal law clerk. The Island had two resident Municipal Court justices: John J. Kelly, for whom Justice Maltese eventually clerked, and Frank D. Paulo, elected Richmond Surrogate in 1963. Times have changed. In the 1920s, some 100 lawyers lived and practiced on the Island. Now more than 1000 lawyers practice here, and many more live here and practice elsewhere. In 1964, before the Verrazano Narrows Bridge attached Staten Island to Brooklyn, 200,000 souls lived here. The current population is more than double. If Staten Island were a separate city, it would be the state’s second largest by population, after New York City itself. Staten Island is more populous than Buffalo and Albany combined.

Yet some things remain the same. The Island has had but one Court of Appeals Judge, Vito J. Titone, and only three Appellate Division Justices, Titone, former District Attorney Thomas R. Sullivan, and, now, Justice William F. Mastro. Most significant—and the subject of carping at the Staten Island Mall food court if not quite in any other court—Staten Island has never had a resident Housing Court judge.

The Municipal Court was bifurcated into the First and Second Districts. Each had a courthouse with civil jurisdiction. The one in the Second District is now the Targee Street Criminal Court in Stapleton, home to the NFL’s Staten Island Stapletons from 1929-1932. The Stapletons were almost as famous as the Staten Island Metropolitans, who, before they moved to the Island, played in the first World Series, in 1884, or rather baseball team, the Mid Island Little Leaguers, who in 1964 won the Little League World Series with a 4-0 no hitter. Until 1962 the Targee Street Courthouse housed the Magistrate’s Court and the Second District Municipal Court. The First District Municipal Court is the Castleton Courthouse. The Municipal Court’s legacy survives. Richmond County elects Civil Court judges not only Countywide but also along the old Municipal Court District boundaries. The two Municipal Courthouses are models of one another. Both were built by the same construction company. I dare say that the one on Castleton Avenue is in better shape nowadays. It’s so immaculate and charming you’d think the Courthouse is in Canada.
Finished in 1927 during the Governor Alfred E. Smith and Mayor James J. “Jimmy” Walker administrations, the Castleton Courthouse is celebrating its 75th anniversary this year. A plaque at the entrance to the right immortalizes Beau James. He was reelected in 1928, defeating Fiorello H. La Guardia, but was forced into early retirement in September 1932 by Court of Appeals Judge Samuel Seabury and his Crime Commission, with a big push from then-Governor Franklin D. Roosevelt. Beau James’s affiliation with the Castleton Courthouse is one clue to what led to a magnificent building, like Manhattan’s majestic Boss Tweed Courthouse, of Tammany Hall ill repute. The Castleton Courthouse has but two flaws. It has interior drainage, not an outside pipe, that floods the basement when it rains. And the court system spent money not long ago to rebuild its jail facility, which now contains boxes of computer equipment, when what the building could use are shower facilities for its able court officers. The Courthouse needed a workable pen because it heard criminal cases for a while in the 1990s to cut the overwhelming backlog in criminal cases. But the plaque’s real story is Staten Island’s trial of the century.

In 1950, U.S. Senator Estes Kefauver, who chaired the Special Committee to Investigate Organized Crime in Interstate Commerce, heard about corruption on Staten Island. The news hit Albany like a hard fist. Governor Thomas E. Dewey appointed the State Crime Commission, headed by former First Department Justice Joseph M. Proskauer, to investigate organized crime on Staten Island. Hearings began on September 19, 1951—15 days before Staten Islander Bobby Thomson’s three-run homer at the Polo Grounds was heard around the world—at 927 Castleton Avenue, in the room adjacent to the Housing Courtroom, which landlord-tenant practitioners and litigants use three days a week for conferencing and which is otherwise used for Civil Court jury assembly. The hearings continued until 1953. U.S. Supreme Court Justice John Marshall Harlan’s grandson, also named John Marshall Harlan, was chief counsel.

Under Harlan’s examination, Staten Island District Attorney Herman Methfessel admitted that he knew but never prosecuted Alexander (“Pope”), Johnny, and Mickey Delessio, the “Dee” Brothers, the Island’s bookmaking and loansharking kingpins under Carlo Gambino. Don Gambino had moved up the ladder when Benjamin “Bugsy” Siegel and Don Vito Genovese murdered his boss, Mustache Pete Joe “The Boss” Masseria, on Meyer Lansky’s orders. In 1931, Gambino joined forces with the likes of Charles “Lucky” Luciano and Murder Incorporated Chief Executive Officer Louis “Lepke” Buchalter—of him later—to form the National Crime Syndicate. In time Gambino became the nation’s most powerful mobster. Luciano was nicknamed “Lucky” because he survived an attempted rub out on Staten Island. Civil Court Judge Philip S. Straniere’s mother lived in the same building he did in Manhattan. The Dees had moved to Staten Island at the behest of Arthur Flegenheimer, a/k/a Dutch Schultz, a/k/a J. Edgar Hoover’s Public

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### COURTS: FAX LISTING

**Facsimile Nos.:**
- Supreme Court
  - County Courthouse 390-5435
  - Home Port Courthouse 876-6416
- Hon. Leonard P. Rienzi, Supervising Judge 815-2738
- Hon. Louis Sangiorgio (DCM 1) 390-5230
- Hon. Joseph J. Maltese (DCM 3) 876-6428
- Hon. Robert Gigante (DCM 4) 876-6445
- Hon. Alan L. Lebowitz (DCM 5) 876-6441
- Hon. Anthony I. Giacobbe (Trial Part 9) 876-6434
- Hon. Thomas P. Aliotta (Trial Part 12) 876-8129
- Surrogate's Court 390-8741
- Civil Court 390-8108
- Family Court 390-8110
- Criminal Court 390-8405
- County Clerk 390-5269

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Enemy #1. The Dees’ uncle, Alex DiBrizzi, head of Bay Street’s International Longshorman’s Association Local 902, controlled the Staten Island waterfront, according to U.S. Senate crime-family charts from 50 years ago.

To connect Methfessel to the Dees, Harlan called Anna Wentworth, a domestic in Johnny Dee’s Concord home. Wentworth, also a domestic in the home of Island attorney Daniel Cohen (who represented Wentworth), testified that she had seen Methfessel in Johnny Dee’s home a few times. That night Methfessel arrested Wentworth for perjury. Harlan telephoned Dewey the next morning. Aghast at Methfessel’s possible corruption and conflict of interest, Dewey removed Methfessel from the organized-crime probe and, on September 27, 1951, appointed New York Mayor La Guardia’s former Commissioner of Investigation William B. Herlands to chair the Staten Island probe. Dewey’s remarkable September 27 order is quoted in *United States ex rel. Carchietta v. Warden of Richmond County Jail*, Staten Island, 112 F. Supp. 902, 903 (E.D.N.Y 1953) (Galston, J.). It was the only time a governor had

superceded a Staten Island District Attorney. Thenceforth, the Castleton Courthouse probe, aided by subpoena power from a Richmond County Grand Jury that Justice Felix C. Benvegna supervised, became the Herlands Commission. Harlan continued as chief counsel.

The events that followed are legendary. They’ve been written about in the ADDvance, the Law Reports, and elsewhere. But they are known to few Richmond lawyers under 60.

Methfessel, a Democrat, lost the 1951 general election to Sidney O. Simonson, the only Republican ever elected District Attorney on Staten Island. Simonson promptly hired an assistant district attorney John A. Cosgrove, who owned the Richmond County Airport in Travis, now the Staten Island Mall. In a twist, Simonson also hired Daniel Cohen, Anna Wentworth’s attorney and the man who shared her domestic services with Johnny Dee. The next year, using procedures no longer extant, the Richmond County Bar Association appointed Herlands, as special assistant attorney general, to prosecute before Official Referee Supreme Court Justice Peter P. Smith and the Richmond County Grand Jury a disciplinary proceeding against Methfessel and Irving Rivkin, a Richmond assistant district attorney who helped Methfessel arrest Wentworth. See *Matter of Petition of Grand Jury, Richmond County v. Methfessel & Rivkin*, 279 A.D. 1012, 112 N.Y.S.2d 776 (2d Dep’t 1952) (mem.). Referee-Justice Smith declined to recommend discipline against Methfessel, the Grand Jury confirmed, and the Second Department affirmed. See *Matter of Methfessel*, 281 A.D. 683, 117 N.Y.S.2d 489 (2d Dep’t 1952) (mem.). Methfessel might have been innocent. Smith found that Wentworth’s testimony before Herlands was “suborned.” In 1958, Wentworth settled for $3500 in nuisance value her million-dollar-plus claim that Methfessel falsely arrested her for perjury. Defendant New York City never admitted liability in the settlement.

Methfessel was never indicted. He died in a 1963 car accident in Florida, to which he removed in the
scandal's wake and where, in 1952, he obtained a divorce decree. His wife, exiled to Brooklyn, promptly sued for alimony. See Methfessel v. Methfessel, 124 N.Y.S.2d 663 (Sup. Ct. Kings County 1953). Short of funds at this point, Methfessel represented himself. His son, Herman Jr., became an Air Force lawyer and, later, a real-estate tycoon with Long & Foster in Virginia, once again proving that success, even from your children, even from the grave, is better than revenge. Irving Rivkin became a tax commissioner; his son and daughter became lawyers. Son Robert wrote the counter culture Vietnam War classic *Military Music or Music as Military Justice or Justice*. Daughter Vivian was an assistant district attorney in New York county. Daniel Cohen's son also became a lawyer.

Herlands and Harlan secured only slightly improved results in two other cases. Peter Spinelli, another assistant district attorney on Methfessel's staff and the Republican County Committee secretary, pleaded guilty in May 1954 to paying an illegal political contribution to get the party's nomination for State Assembly. Spinelli wasn't sentenced to jail. He became a Democrat and practiced in St. George until 1977, when he died at 83.

Edward A. Ruppel, the Borough Works Commissioner and Republican County Leader, was indicted in a liquor-license-shakedown scheme. Boss Ruppel didn't go to jail, either. He died before trial of a cerebral hemorrhage in November 1953 at St. Vincent Catholic Medical Center—Staten Island, located at Bard and Castleton, mere paces from our legacy, the Castleton Courthouse.

Johnny Dee left the Gambino Family, joined the rival Genovese Family, and retired to Florida, dying of natural causes in 1994. His daughter, Terry Dee, once owned Bill Bailey's bar, topless by day, gay by night, in Stapleton. Her common-law husband, Thomas "Tommy Edwards" Ernst, was murdered in 1972 outside her father's home in scary-sounding Great Kills. No one was ever arrested. Her fiancé, Vincent Rizzo, who owned a car-repair shop in Rosebank, was murdered in 1983 in Mariners Harbor. No one was ever arrested. Dee, who calls herself a malafemina, has given interviews (e.g., americannafia.com/News/9-10-00_Memories_Of_Mob_Girl.html <visited Sept. 2, 2002>) about her lifelong acquaintance with Tott Hill's Don Paul "Big Paulie" Castellano (Don Gambino's brother in law) and Island perambulator Underboss Tommy Bilotti. Both were murdered in 1985 by fellow Gambino madmen Graniteville's Salvatore "Sammy the Bull" Gravano and John Gotti. Gotti himself was an Island manslaughter felon for killing James McBratney in a case prosecuted by now-Justice Philip G. Minardo, defended by the notorious Roy Cohn, and judged by then-Justice Titone.

I've got my own almost-direct connections to l'affair Methfessel. I was the judge's law clerk during Gotti's 1990 Manhattan shooting trial. That was long before I rode the Ferry to work but shortly after I became an American citizen—retaining my Canadian citizenship, in case you were wondering. My judge's grandfather, before becoming Chief Judge, wrote the majority opinion that seated Lepke Buchalter in Sing Sing's electric chair. See *People v. Buchalter*, 289 N.Y. 181, 45 N.E.2d 225 (1942) (Conway, J.). That opinion bankrupted Murder Incorporated's business partnership with Don Gambino, the Dees' employer, and rendered its stock certificates as worthless as the papers they weren't written on. And the pièce de résistance:

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My daughter was a friend and classmate of William Herlands, William Herlands’s grandson. This association came to me as I was riding the Ferry to work.

These six degrees of separation don’t happen in Canada. But, then, Canada doesn’t have an ominously named district called Fresh Kills. Or a Todt Hill, Dutch for “Death Hill,” the site, off Ocean Terrace, of Godfather Don Vito Corleone’s estate. Canada has majestic churches, but few are as fabled as Saints Joachim and Anne in Mt. Loretto, also featured in the 1972 classic The Godfather. We Canadians must content ourselves with an occasional Molson Canadian or three, ending sentences with “Eh?” and War of 1812 re-enactments.

What of Herlands and Harlan? President Dwight D. Eisenhower appointed both Castleton Avenue alumni to the bench in 1955, two years after they stopped taking the Ferry to St. George, their departure point to the Castleton Courthouse. Herlands became a U.S. District Judge for the Southern District of New York. He never left the organized-crime business. Among the cases he heard was United States v. Jimmy Hoffa, 156 F. Supp. 495 (S.D.N.Y. 1957) (Herlands, J.).

Harlan became a U.S. Supreme Court Justice, even though Methfessel went to Washington to testify against him at his nomination hearings. See Hearings Before the Senate Comm. on the Judiciary on the Nomination of John Marshall Harlan, of New York, to be an Associate Justice of the Supreme Court of the United States, 84th Cong., 1st Sess. 4-30, 55-61, 67-68 (1955) (cited in William G. Ross, Participation By the Public in the Federal Judicial Selection Process, 43 Vand. L. Rev. 1, 15 n.72 (1990)). Between Methfessel’s accusations, Harlan’s response, and the senators’ debate over the matter, the Senate’s hallowed halls heard a good deal about the Castleton Courthouse’s hallowed halls. Harlan found a niche as the Warren Court’s Great Dissenter, doubtless cranky because he had to cruise to work by car, not on the Ferry.

Herlands and Harlan were compelled to pay a nickel for the privilege of seeing Lady Liberty on their way to Castleton. Even so, not taking the Ferry to work following their federal appointments was Herlands’s and Harlan’s loss. There’s no better way to get to work than to take The Boat—or, the Ferry. Especially now that it’s free for government officials, even those from Canada who have never served as local counsel.

Their loss was the Richmond County Bar Association’s gain. The membership and I put the Herlands Commission room to good use conferencing landlord-tenant cases—when we’re not reading the ADDvance.

For their memories, I thank raconteurs extraordinaires Justice Thomas R. Sullivan; Staten Island Advance Columnist Mike Azara; and Civil Court Judges Barbara I. Panepinto, Philip S. Straniere, and Eric N. Vittaliano.

Judge Lebovits can be seen and heard on Wednesday, Thursday & Friday at the Castleton Courthouse. Additionally, he is a professor at New York Law School, a lecturer to New York State Court Attorneys on legal writing, a writer and an American-Canadian, “eh.”